

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMANTE ZEBULON FRITTS,

Defendant.

Case No. 17-20117

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE
MONA K. MAJZOUB

OPINION AND ORDER DISMISSING CASE

At the August 24, 2017 hearing, the Government argued, among other things, that it would be premature for the Court to decide the double jeopardy issue, as no decision as to whether or not to re-prosecute the case had been made. *See* Aug. 24, 2017 Tr. at 7:19-20; *id.* at 8:1-3. The Court rejected the Government's argument during the hearing. *Id.* at 6:5-6; 9:23-25. The Court has reconsidered its position and now accepts the Government's argument that the issue of double jeopardy was not ripe. The decision to grant Defendant's motion for mistrial on the basis that the prosecutor improperly elicited testimony about suppressed evidence is affirmed for the reasons stated on the record.

Accordingly,

IT IS ORDERED that Defendant's Oral Motion for Mistrial is
GRANTED. This case is **DISMISSED**.

SO ORDERED.

Dated: September 20, 2017

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge